

Entered -08-01-00 - sb  
CL 00L0468 - GWENDOLYN BURNS

CLAIM OF:

**MARSHALL GRAY**  
through his attorney  
**Musa Dan-Fodio**  
**DAN-FODIO LAW GROUP**  
5405 Memorial Drive  
Building I-2  
Stone Mountain, Georgia 30083

01-R-0391

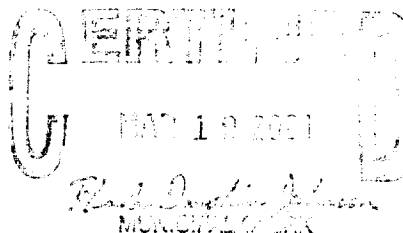
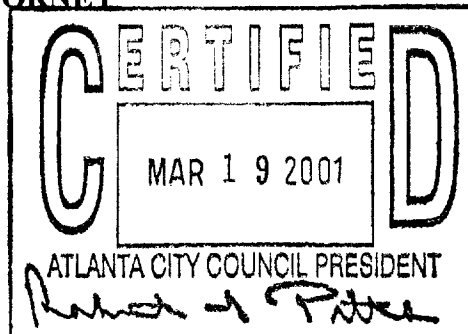
For bodily injuries alleged to have been sustained from a  
Corrections' Officer on March 24, 2000 at the detention area of  
Grady Hospital, 80 Butler Street, SE.

THIS ADVERSED REPORT IS  
APPROVED

APPROVED  
MAR 19 2001

BY: Rosalind Rubens Newell  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSE REPORT  
FROM Public Safety  
DATE 3/13/01  
CH C. T. Mark  
Michael S. [Signature]  
Cela [Signature]  
Wor [Signature]  
Amos [Signature]





**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

April 2, 2001

Dan-Fodio Law Group  
Musa Dan-Fodio  
Attorney at Law  
5405 Memorial Drive  
Building I-2  
Stone Mountain, GA 30083

**01-R-0391**

**RE: Marshall Gray**

Dear Attorney Dan-Fodio:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on March 19, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 00L0468

Date: February 28, 2001

Claimant /Victim MARSHALL GRAY  
BY: (Atty) (Ins. Co.) Musa Dan-Fodio, DAN-FODIO LAW GROUP  
Address: 5404 Memorial Drive, Building I-2, Stone Mountain, Georgia 30083  
Subrogation:            Claim for Property damage \$            Bodily Injury \$ unspecified  
Date of Notice: 6/13/00 Method: Written, Proper X Improper             
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 3/24/00 Place: Detention Area - Grady Hospital - 80 Butler Street, SE  
Department CORRECTIONS Division             
Employee involved            Disciplinary Action:           

NATURE OF CLAIM: Claimant alleges that he sustained bodily injuries when a Corrections' Officer used excessive force while detaining him in the detention area at the above location. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. §36-33-3.

**INVESTIGATION:**

Statements: City employee            Claimant            Others            Written            Oral             
Pictures            Diagrams            Reports: Police            Dept Report X Other X  
Traffic citations issued: City Driver            Claimant Driver             
Citation disposition: City Driver            Claimant Driver           

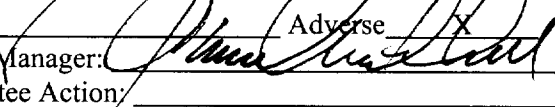
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial             
Improper Notice            More than Six Months            Other X Damages reasonable             
City not involved            Offer rejected            Compromise settlement             
Repair/replacement by Ins. Co.            Repair/replacement by City Forces             
Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$            Adverse X Account charged: 1A01            2J01            2H01             
Claims Manager:  Concur/date 03/01/01  
Committee Action:            Council Action



A Professional Corporation

ENTERED - 8-1-00 - SB

00LO468 - GWEN BURNS

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

# 7099 3400 0000 9953 5742

JUL 13

*BURNS*  
*07/27/00*  
*DR*

July 11, 2000

Atlanta City Council  
Attn: Municipal Clerk  
55 Trinity Avenue, S.W.  
Atlanta, GA 30335

RE: Ante Litem Notice  
Our Client: Marshall Gray  
Date of Loss: March 24, 2000  
Personal injury

Dear Council Members:

Please be advised that we have been retained to represent the above-referenced client regarding his personal injury claim.

Mr. Gray, while waiting in the detention area at Grady Hospital, received bodily injuries as a result of an Atlanta Department of Corrections officer hitting him, with his fist, in both ears. He received medical attention which indicated he sustained a punctured eardrum. Mr. Gray claims that the incident was the result of the negligence of the corrections officer who was an employee of the City of Atlanta.

Please acknowledge receipt of this notice in writing and contact us to discuss a resolution. We will forward any citizen complaint statement, medical reports, bills, and special damage information to any person you may request in order to expedite this matter.

Sincerely,

Musa Dan-Fodio  
Attorney at Law

MD/cp

cc: Marshall Gray

01-*R*-0391

RCS# 2725  
3/19/01  
2:52 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 15

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0067

Woolard & Morris voted Nay on the  
following items:

01-R-0379  
01-R-0392  
01-R-0393  
01-R-0394  
01-R-0395  
01-R-0396

CONSENT

RCS# 2726  
3/19/01  
2:54 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered-  
#1*

Pages 1 thru 15

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	NV Emmons
NV Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0067  
01-O-0354

Woolard & Morris voted Nay on the  
following items:

01-R-0379  
01-R-0392  
01-R-0393  
01-R-0394  
01-R-0395  
01-R-0396

CONSENT

RCS# 2753  
3/19/01  
5:40 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*  
*#2*

Pages 1 thru 15

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA

01-O-0067

01-O-0354

01-O-0188

Woolard & Morris voted Nay on the  
following items:

01-R-0379

01-R-0392

01-R-0393

01-R-0394

01-R-0395

01-R-0396

CONSENT

		03/19/01 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 01-O-0306	39. 01-R-0397	57. 01-R-0437
2. 01-O-0445	40. 01-R-0398	58. 01-R-0438
3. 01-O-0449	41. 01-R-0399	59. 01-R-0375
4. 01-O-0450	42. 01-R-0400	60. 01-R-0376
5. 01-O-0098	43. 01-R-0401	61. 01-R-0377
6. 01-O-0178	44. 01-R-0402	62. 01-R-0378
7. 01-O-0302	45. 01-R-0403	63. 01-R-0379
8. 01-O-0367	46. 01-R-0404	64. 01-R-0380
9. 00-O-1987	47. 01-R-0405	65. 01-R-0381
10. 01-O-0448	48. 01-R-0406	66. 01-R-0382
11. 00-O-2069	49. 01-R-0407	67. 01-R-0383
12. 01-O-0446	50. 01-R-0408	68. 01-R-0384
13. 01-O-0187	51. 01-R-0409	69. 01-R-0385
14. 01-O-0294	52. 01-R-0410	70. 01-R-0386
15. 01-R-0411	53. 01-R-0433	71. 01-R-0387
16. 01-R-0412	54. 01-R-0434	72. 01-R-0388
17. 01-R-0413	55. 01-R-0435	73. 01-R-0389
18. 01-R-0414	56. 01-R-0436	74. 01-R-0390
19. 01-R-0420		75. 01-R-0391
20. 01-R-0421		76. 01-R-0392
21. 01-R-0475		77. 01-R-0393
22. 01-R-0428		78. 01-R-0394
23. 01-R-0429		79. 01-R-0395
24. 01-R-0477		80. 01-R-0396
25. 01-R-0220		81. 01-R-0440
26. 01-R-0430		82. 01-R-0439
27. 01-R-0447		
28. 01-R-0452		
29. 01-R-0458		
30. 01-R-0417		
31. 01-R-0426		
32. 01-R-0427		
33. 00-R-1466		
34. 01-R-0416		
35. 01-R-0419		
36. 01-R-0424		
37. 01-R-0108		
38. 01-R-0189		